



August 1, 2006

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**By Hand**

Michael Paris, Esq.  
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10 St. James Avenue, 16th Floor  
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**Re: *Alexander v. Brigham and Women's Physicians Organization, Inc., et al.;***  
**Civil Action No. 04-10738-MLW**

Dear Michael:

This responds to your letter dated July 27, 2006 concerning the revised versions of the UDC and FRBP. I was surprised by the tone of your letter, given that the revised plan documents reflect nothing more than the 1992 revisions to the plans, which you have had knowledge of for many months. Defendants explained these revisions to you in detail in our January 25, 2006 Proffer. The revisions were also reflected in the Board minutes that we produced to you in April of this year. You subsequently deposed Mr. Holmes and Dr. Mannick about these changes to the Plans.

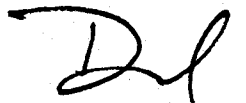
We did not deliberately delay in producing these documents, nor could we conceivably have benefited from doing so. Our client conducted a thorough search of its electronic and hard copy records in response to plaintiff's request for production of documents. This was a difficult task, given the time period that your requests covered and the changes in personnel and corporate structure that have occurred since. Subsequently, our client found the revised version of the UDC and FRBP in a different electronic sub-file and on one of two floppy disks located by chance after we completed our initial document production, and after the depositions of Dr. Mannick and Mr. Holmes. Upon receiving the revised plan documents, we worked to confirm that no other versions of the plans exist. We produced these documents as quickly as possible, well in advance of the pre-trial hearing. As such, we simply do not understand how Plaintiff has suffered any prejudice.

The disks that our client recently located contained a few other documents related to the Plans which we have now had an opportunity to review and are producing herewith. They have been bates-labeled D001450 – D001493. The only document on the disk that we are not producing was stored in a file named after one of the Hale & Dorr attorneys who provided advice to BSG and contains privileged information concerning the Plans. We will send you a privilege log later this week.

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While we do not believe it is necessary, we will agree to produce Michael Jackson, the current Director of Finance for the Department of Surgery, for a deposition concerning the revised versions of the UDC and FRBP. If you elect to proceed in that vein, please provide me with proposed dates for Mr. Jackson's deposition as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Casey', with a stylized flourish at the end.

David C. Casey

Enclosure

cc: Gregory C. Keating, Esq.  
Laurie Drew Hubbard, Esq.

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